

**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
July, 2010**

**Claims Examination Progress**

- First benchmark 8,000 claims by 12-31-2006
  - Second benchmark 19,000 claims by 12-31-2008
  - **Third benchmark 31,000 claims by 12-31-2010**
  - Claims examined July 2005 thru June, **30 2010**      **41,565**
  - 
  - Claims examined by Purpose
    - o Irrigation                      9488      23%
    - o Stock                            23476    57%
    - o Domestic                       5119      12%
    - o Other                            3482      8%
- 41,565**

**Claims remaining to be examined**                      **15,535**

**Summary Reports to Water Court**

**Date Issued**

Union Creek (part of 76F)	May 19, 2005
Teton River (41O)	August 15, 2005
Big Hole River (41D)	October 31, 2006
Tongue River, below hanging Woman Creek (42C)	August 7, 2007
Blackfoot River (76F)	August 14, 2007
Missouri River, from Holter Dam to Sun River (41QJ)	August 15, 2007
Tongue River, above Hanging Woman (42B)	December 5, 2007
Pryor Creek (43E)	August 18, 2008
Smith River (41J)	September 1, 2008
Beaver Creek (40M)	September 1, 2008
Flatwillow Creek (40B)	September 11, 2008
Milk River (40J)	December 5, 2008
Little Big Horn River (43O)	February 6, 2009
Big Muddy Creek (40R)	April 6, 2009
Missouri River, Sun River to Marias River (41Q)	June 16, 2009
Beaverhead River (41B)	August 14, 2009
Arrow Creek (41R)	October 23, 2009
Missouri River, from Marias River to Bullwacker Creek (41T)	November 17, 2009

**Decrees Issued by Water Court**

**Date Issued**

**Number of Claims**

Teton River (41O)	12/29/2005	2,500
Union Creek (part of 76F)	3/10/2006	42
Big Hole River (41D)	4/6/2007	3,892
Missouri River (41QJ)	2/6/2008	2,584
Tongue River (42C)	2/28/2008	4,710
Tongue River (42B)	2/28/2008	1,345
Forest Service Compact	5/19/2008	262

BLM-Montana Compact	3/6/2009	2
Beaver Creek (40M)	3/20/2009	2,942
Big Muddy Creek (40R)	1/28/2010	2,029
Pryor Creek (43E)	2/25/2010	629
Little Big Horn River (43O)	3/17/2010	1,176
<b>Missouri River from Sun River to Marias River (41Q)</b>	<b>5/27/2010</b>	<b>4,127</b>
<b>Milk River between Fresno Res &amp; Whitewater (40J)</b>	<b>6/24/2010</b>	<b>12,897</b>

Above decrees scanned and available at:

[http://www.dnrc.mt.gov/wrd/water\\_rts/adjudication/default.asp](http://www.dnrc.mt.gov/wrd/water_rts/adjudication/default.asp)

	<b>BASINS BY COMPLETION DATE - DNRC WORK PLAN 2009</b>			
BASIN COUNT	BASIN NAME	WORK STATUS	Estimated Completion Date	
1	Flathead R below Flathead Lake (76L)	Examination in progress	12	2009
2	Big Horn R below Greybull R (43P)	Examination in progress	3	2010
3	Rosebud Creek (42A)	Examination in progress	6	2010
4	Shoshone River (43N)	To be Examined	9	2010
5	Milk River above Fresno (40F)	Summary prep pending	3	2011
6	Flathead River (76LJ)	Examination in progress	9	2011
7	Cut Bank River (41L)	Summary prep pending	6	2012
8	St. Mary River (40T)	Summary prep pending	7	2012
9	Yellowstone R below Powder R (42M)	Examination in progress	8	2012
10	Red Rock River (41A)	Examination in progress	2	2013
11	Peoples Creek (40I)	Summary prep pending	6	2013
12	Two Medicine River (41M)	Summary prep pending	8	2013
13	Marias River (41P)	Examination in progress	10	2013
14	Missouri R between Bullwacker & Musselshell (40EJ)	Examination in progress	3	2015
15	Bitterroot R, E side (76HA)	Examination in progress	6	2015
16	Frenchman Creek Re-Examination (40L)	Examination in progress	3	2010

#### **District Court Enforcement Actions**

2005 season    completed water court assistance for 23 streams  
 2006 season    completed water court assistance for 23 streams  
 2007 season    completed water court assistance for 26 streams  
 2008 season    completed water court assistance for 32 streams  
 2009 season    completed water court assistance for 36 streams  
**2010 season    completed water court assistance for 38 streams**  
 Automated indexes are now in use

**Post Decree Assistance (July thru June 30 2010)**

<u>Case type</u>	<u>case count</u>	<u>work hours</u>
Certified case	<b>1</b>	<b>426.5</b>
85-2-248	<b>376</b>	<b>3,293</b>
Case	<b>58</b>	<b>1,213.5</b>
General assist		<b>1,477.5</b>
Total hours		<b>6,410.50</b>

**Expenses**

YTD FY 2010:	Operating Costs	\$ 340,740.00
	Personnel Services	\$ <b>1,884,163.00</b>
	Total	\$ <b>2,224,903.00</b>
	Budget	\$ 2,375,917.00

**Billing System**

108,000 bills mailed Dec 27, 2005  
Estimated revenue generated \$6.2 million  
Revenue received \$5.205 million

**Appeals**

5,059 Appeals received  
**4052** appeals resolved to date (1128 denied, 3928 resolved with fee correction)  
7 appeals remain

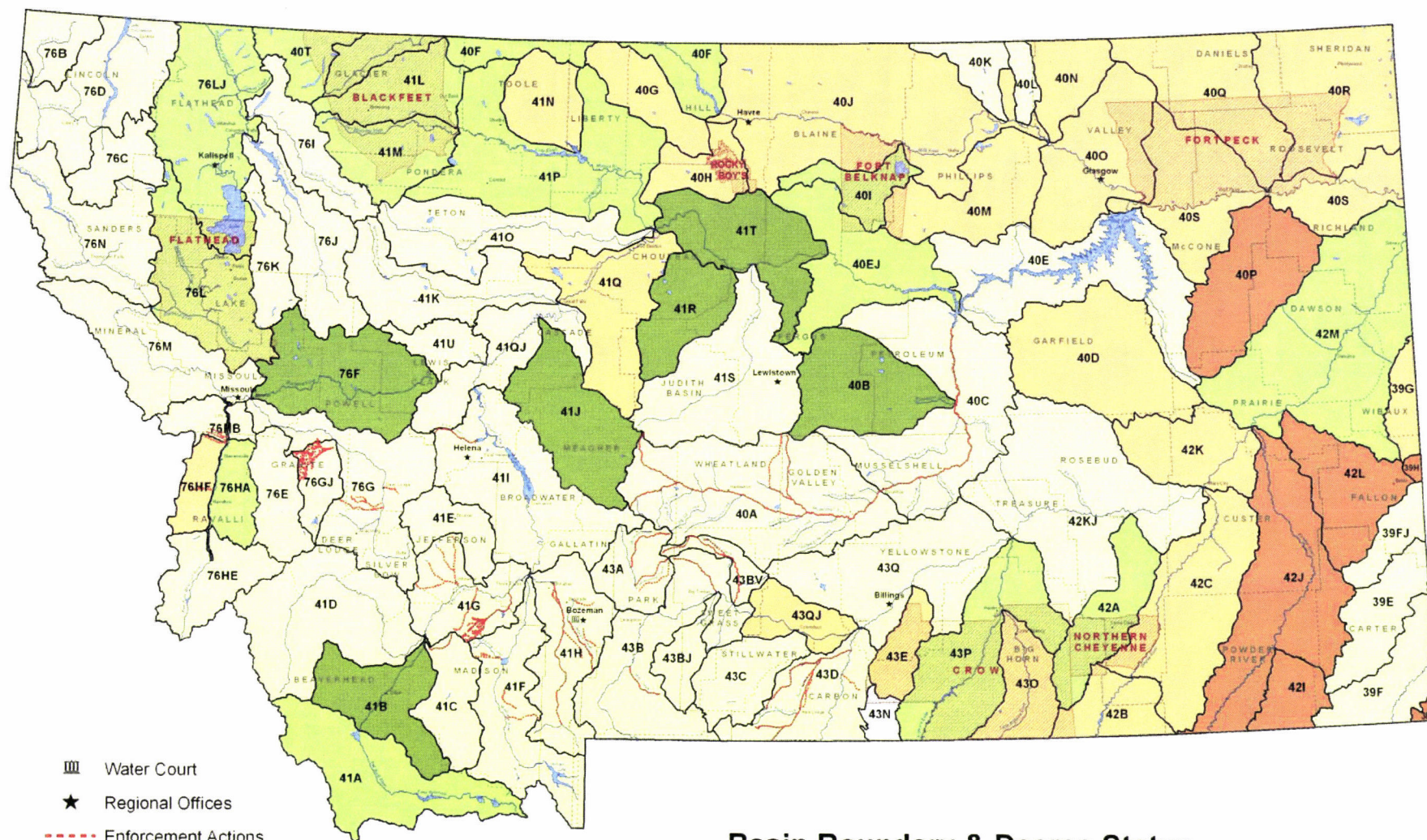
**HB39 Automate Ownership updates (effective July 1, 2008)**

- Contract is finalized and Tyler Inc is developing the program for DOR to pass thru new property owner names to DNRC for updating water right records.
- Geocodes were loaded into DNRC database in June 2008.
- State-wide ownership update export to DNRC was received 12-4-2009.
- Re-Examination of basin 40L includes 402 claims not counted towards claim examination progress
- The department has completed the initial data scrubbing and geocode validation due June 2010.**



# Basin Location and Adjudication Status

6/23/10



- Water Court
- Regional Offices
- Enforcement Actions
- COUNTIES
- RESERVATIONS

## Basin Boundary & Decree Status

- |                       |                    |
|-----------------------|--------------------|
| Currently Examining   | Temporary Decree   |
| Summary Report Issued | Preliminary Decree |
| Not Yet Examined      | Final Decree       |



Water Resources Division  
June 2010  
Montana State Plane NAD 83



**WATER COURT**  
**ADJUDICATION PROGRESS REPORT TO THE EQC PURSUANT TO § 85-2-281, MCA**  
**Submitted by C. Bruce Loble, Chief Water Judge**  
**July 1, 2010**

The Water Court's primary focus is to work through its existing inventory of water right claims that have unresolved objections, issue remarks, motions to amend, and claims certified to the Water Court by the DNRC or District Courts. The Court's goal is to draw down its current caseload to clear its docket for the large number of claims that are moving through the DNRC claim examination pipeline and which are scheduled to be incorporated into Water Court decrees within the next few years. Currently, the Water Court is primarily working on water right claims in the following basins:

Basin	Sources	Claims in Decree	Remaining Claims to Resolve
40A	Musselshell River above Roundup	5,812	148
40E	Missouri River between Musselshell River & Fort Peck Dam	3,010	215
40G	Sage Creek	943	91
40H	Big Sandy Creek	797	33
40J	Milk River Between Fresno Reservoir & Whitewater Crk	12,897	Decree issued 6/24/2010 Objection Deadline is 12/21/2010
40O	Milk River Below Whitewater Creek	3,306	1,131
40M	Beaver Creek, Tributary of Milk River	2,942	1,457
40R	Big Muddy Creek	2,029	Decree issued 1/28/2010 Objection Deadline is 7/27/2010
40S	Missouri River Below Ft. Peck Dam	2,966	292
41C	Ruby River	2,183	188
41D	Big Hole River	3,892	1,999
41G	Jefferson River	2,407	213
41I	Missouri River upstream of Holter Dam	5,168	228
41K	Sun River	2,856	111
41O	Teton River	2,541	639
41Q	Missouri River from Sun River to Marias River	4,127	Decree issued 5/27/2010 Objection Deadline 11/23/2010

41QJ	Missouri River from Holter Dam to Sun River	2,584	594
42B	Tongue River above & including Hanging Woman Creek	1,345	433
42C	Tongue River below Hanging Woman Creek	4,708	1,183
42K	Yellowstone River between Tongue and Powder Rivers (This basin will be deleted from the next EQC report)	1,479	14
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4,767	518
43A	Shields River	3,395	137
43B	Yellowstone River above & including Bridger Creek	4,860	342
43E	Pyror Creek	630	Decree issued 2/25/2010 Objection Deadline is 8/24/2010
43O	Little Big Horn River	1,176	Decree issued 3/25/2010 Objection Deadline is 9/21/2010
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	161
76HF	Bitterroot River - Westside Subbasin	3,774	200
United States Forest Service - Montana Compact — Several Objections Still Pending - Discovery and Pre-hearing Deadlines have been Set			
United States Bureau of Land Management - Montana Compact — All Objections Withdrawn			

The Water Court has completed most of its review of the current Summary Reports (basically draft decrees) generated by the DNRC following completion of the DNRC basin water right claim examination duties. Now that the DNRC has completed most of its ownership update efforts in the Summary Report basins, the Water Court anticipates issuing decrees, perhaps as often as one a month, in the approximate order of the following basin list:

Basin Designation	Source	Approximate Number of Claims
41B	Beaverhead River	2,222
41J	Smith River	2,719
76F	Blackfoot River	3,699
40B	Flatwillow Creek	3,677
41R	Arrow Creek	2,173

41T	Missouri River Between Marias River to and including Bullwacker Creek	3,050
Six Basins	Approximate Number of Claims in Prospective Decrees	17,540

The chief water judge has scheduled the following basin public meetings:

Basin 40J - middle Milk River

August 25, 2010 - telephone conference call - 8:30 PM  
September 29, 2010 - meeting - Malta High School - 8:00 PM  
September 30, 2010 - meeting - Havre High School - 8:00 PM  
December 2, 2010 - telephone conference call - 7:00 PM

Basin 40M - Beaver Creek

July 15, 2010 - telephone conference call 8:00 PM

Basin 41Q -Missouri River between Sun River and Marias River

July 7, 2010 - telephone conference call - 8:00 PM  
September 8, 2010 - meeting - Belt Public School Library 8:00 PM

On June 23, 2010, the Water Court appeared before the Legislative Audit Committee in response to the Performance Audit on the Water Rights Adjudication. The Water Court concurred with the five recommendations contained in the Performance Audit.

In response to the 2009 legislative mandate to generate "vacancy savings" and the Supreme Court Administrator's suggestion, a few Water Court staff members have continued scaling back their hours to slightly less than full time to help the Judicial Branch meet its vacancy savings goals.